

APPEAL NO. 031973
FILED AUGUST 28, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 2, 2003. The hearing officer determined that: (1) the compensable injury of _____, does not extend to include a 2mm disc protrusion at L4-5, a posterior annular tear at L4-5, a 1mm disc protrusion at L3-4, minimal thinning of the L5-S1 disc, or facet arthrosis of the lumbar spine; and (2) the appellant (claimant) had disability beginning on January 14, 2003, and ending on April 17, 2003. The claimant appealed the hearing officer's extent-of-injury determination on sufficiency of the evidence grounds. The respondent (carrier) urges affirmance. The hearing officer's disability determination has not been appealed and has become final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of extent-of-injury determination. The determination involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer believed the testimony of the carrier's medical expert and determined that the compensable injury of _____, did not include the above conditions. In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **OLD REPUBLIC INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PRENTICE HALL CORPORATION SYSTEM, INCORPORATED
800 BRAZOS
AUSTIN, TEXAS 78701.**

Edward Vilano
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge